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Attorney General of the State of California  
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5 CATHERINE A. RIVLIN, State Bar No. 115210  
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Attorneys for Respondent

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 **CERIANO CABRELLIS,**

Petitioner,

15 **v.**

16 **M.C. KRAMER, Warden,**

Respondent.

C 08-1785 JSW (PR)

**APPLICATION FOR  
ENLARGEMENT OF TIME  
TO FILE ANSWER OR  
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby  
20 requests a 30-day enlargement of time until September 10, 2008, within which to answer the petition  
21 for writ of habeas corpus in this case or file any other appropriate motion. As explained in the  
22 declaration, counsel for respondent has obtained the state court appellate record and most of the  
23 remaining state court record for lodging, but has been burdened by earlier-assigned cases. A  
24 stipulation has not been sought because petitioner is an incarcerated state prisoner who is  
25 representing himself.

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1           WHEREFORE, respondent respectfully requests that this Court grant an extension of time  
2 to and including September 10, 2008, in which to file the answer.

3           Dated: August 7, 2008

4                           Respectfully submitted,

5                           EDMUND G. BROWN JR.  
6                           Attorney General of the State of California

7                           DANE R. GILLETTE  
8                           Chief Assistant Attorney General

9                           GERALD A. ENGLER  
10                          Senior Assistant Attorney General

11                          PEGGY S. RUFFRA  
12                          Supervising Deputy Attorney General

13                          /s/ Catherine A. Rivlin

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15                          CATHERINE A. RIVLIN  
16                          Supervising Deputy Attorney General  
17                          Attorneys for Respondent

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Cabrellis.2EOT Appl.wpd  
SF2008401721

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*

No.: **C 08-1785 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 8, 2008, I served the attached:

**1. APPLICATION FOR ENLARGEMENT OF TIME TO  
FILE ANSWER OR RESPONSIVE MOTION;  
2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF  
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Ceriaco Cabrellis  
SPN# V-63705  
Folsom State Prison (950)  
P.O. Box 950  
Represa, CA 95671

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 8, 2008, at San Francisco, California.

J. Espinosa  
Declarant

/s/ J. Espinosa  
Signature

EDMUND G. BROWN JR.  
 Attorney General of the State of California  
 DANE R. GILLETTE  
 Chief Assistant Attorney General  
 GERALD A. ENGLER  
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IN THE UNITED STATES DISTRICT COURT  
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**CERIANO CABRELLIS,**

Petitioner,

**v.**

**M. C. KRAMER, Warden,**

Respondent.

C 08-1785 JSW (PR)

**DECLARATION OF COUNSEL IN  
 SUPPORT OF APPLICATION FOR  
 ENLARGEMENT OF TIME**

I, Catherine A. Rivlin, declare under penalty of perjury as follows:

I am the California Supervising Deputy Attorney General assigned to handle the above-  
 encaptioned case. I have obtained the appellate file and requested additional state records. I was  
 the responsible deputy on the direct appeal and thus have familiarity with the case, issues, and facts.  
 However the press of earlier assigned and emergency reassignment cases has prevented my devoting  
 substantial attention to this case to date. In the most recent 30 days, I have been out of the office  
 from July 4 through July 15, 2008, and filed respondent's (or appellee's) briefs in *People v. Parker*,  
 A117498, and *Joseph v. Kane*, 07-15224. In addition to a full caseload, I manage a team of eleven  
 attorneys and paralegals and critically review/edit every pleading they draft. I have not attempted  
 to contact petitioner, who is representing himself in this proceeding, because he is incarcerated in

1 state prison and cannot be conveniently reached.

2 I declare under penalty of perjury of the laws of the State of California and the United  
3 States of America that the foregoing is true and correct. Executed at San Francisco, California on  
4 August 7, 2008.

5  
6 Respectfully submitted,

7 EDMUND G. BROWN JR.  
Attorney General of the State of California

8 DANE R. GILLETTE  
Chief Assistant Attorney General

9 GERALD A. ENGLER  
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10 PEGGY S. RUFFRA  
Supervising Deputy Attorney General

11  
12  
13 /s/ Catherine A. Rivlin

14 \_\_\_\_\_  
CATHERINE A. RIVLIN  
15 Supervising Deputy Attorney General  
Attorneys for Respondent

16  
17 cabrellisfheot2dec.wpd  
18 SF2008401721

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J. Espinosa  
Declarant

/s/ J. Espinosa  
Signature

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**CERIANO CABRELLIS,**

Petitioner,

**v.**

**M.C. KRAMER, Warden,**

Respondent.

C 08-1785 JSW (PR)

**ORDER**

GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until September 10, 2008, to file an answer to, or responsive motion regarding, the petition for writ of habeas corpus. Petitioner may file and serve a traverse, if any, within thirty (30) days of his receipt of the answer. He may file and serve an opposition or statement of non-opposition within thirty (30) days of his receipt of a motion to dismiss, if any.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

**DECLARATION OF SERVICE BY U.S. MAIL**

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/s/ J. Espinosa  
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